IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.392 OF 2003

IN

SUMMARY SUIT NO.3595 OF 2003

Varsha D.Panjabi .. Plaintiff

versus

Kishore Gobindram Hassija .. Defendant

...

Ms.Laxmi i/b Mr.R.C.Shukla for Plaintiff.

Mr.B.S.Chandanani for Defendant.

CORAM : D.G. KARNIK, J

DATED : 14th February, 2005.

P.C:-

1. Heard learned counsel for the parties. A Summons for Judgment was served on the defendant on 30th May, 2003 through his counsel. Despite passing of more than 20 months the defendant have not filed an application for leave to defend nor have they filed any affidavit in reply. In the circumstances, the averments made in the plaint and the Summons for

Judgment are deemed to be accepted.

2. Learned counsel for the plaintiff hands in the original documents along with the list. The documents are taken on record and marked Exhibit A collectively. The plaintiff has produced on record the original cheque of Rs.75,000/- issued by the defendant for repayment of the loan.

3. In the circumstances, the plaintiff is entitled to a decree under clause (a) of sub-Rule 6 of Order 3 of Order 37 of the Code of Civil Procedure. Hence, Summons for Judgment is made absolute and the suit of the plaintiff is decreed in terms of prayer clause.

D.G.KARNIK, J